

September 30, 2008



U.S. Department  
of Transportation

East Building, PHH-30  
1200 New Jersey Avenue S.E.  
Washington, D.C. 20590

**Pipeline and Hazardous  
Materials Safety Administration**

DOT-SP 14723

<b>EXPIRATION DATE:</b> August 31, 2010
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(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: American Spraytech  
North Branch, NJ
2. PURPOSE AND LIMITATION:
  - a. This special permit authorizes the transportation in commerce of aerosols containing a Division 2.2 compressed gas in certain non-refillable aerosol containers which are not subject to the hot water bath test. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
  - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
  - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.306(a)(3)(v) in that the use of a leakage test other than the hot water bath is not specified, except as specified herein.
5. BASIS: This special permit is based on the application of American Spraytech dated June 16, 2008 submitted in accordance with § 107.105 and the public proceeding thereon.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Consumer commodity	ORM-D	None	N/A
Aerosols, non-flammable, (each not exceeding 1 L capacity)	2.2	UN1950	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packaging is a DOT Specification 2Q aluminum non-refillable inside container with an inner aluminum/PET pouch bag containing a non-hazardous material. The fill/discharge valve is attached to a laminated bag (PET). The bag-on-valve inner package is inserted into the aluminum inside container and affixed by a crimping process. The intermediate space between the two packaging systems is filled with compressed nitrogen to a nominal pressure of 66 psig. The can, pouch bag, and mounting cup conform to drawings on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA). The packaging meets all requirements of § 173.306(a)(3) except for the hot water bath test of § 173.306(a)(3)(v).

b. OPERATIONAL CONTROLS -

(1) Prescribed containers may be transported under the provisions of § 173.306(a).

(2) The inert nitrogen gas must remain around the PET pouch and must not come in contact with the contents of the pouch.

c. TESTING -

(1) The PET pouch must be tested at 130°F for 60 days for any leakage or distortion with the product.

(2) The automated in-line pressure check using the system described in the specifications on file with OHMSPA must be conducted on 100% of all non-refillable aluminum DOT 2Q containers produced under this special permit.

(3) If the pressure measured on any container during the in-line pressure check is less than 56 psig or greater than 76 psig, the container must be rejected.

(4) One sample container every 30 minutes must be randomly selected from the line and be inspected for proper closures and verification of filling and vapor pressure.

(5) If the container shows any evidence of improper closure or if filling or vapor pressure is out of specifications, then the Quality Assurance Inspector shall immediately select five more samples and repeat the testing. The necessary corrective actions must be implemented to ensure proper closure and vapor pressure is maintained.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. MARKING -

(1) Each container must be plainly and durably marked "DOT-SP 14723" as specified in § 172.301(c) and be shipped in strong outer packagings.

(2) Each outside packaging must be marked "INSIDE CONTAINERS COMPLY WITH DOT-SP 14723".

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- d. Containers filled with a material meeting the definition of a "Consumer commodity" in § 171.8 may be reclassified as ORM-D and shipped as "Consumer commodity" in accordance with § 173.306(h).
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
  - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
  - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

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12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke  
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at [http://hazmat.dot.gov/sp\\_app/special\\_permits/spec\\_perm\\_index.htm](http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm). Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

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